

Permitting and Assistance Branch Staff Report
Minor Waste Tire Facility Permit Revision for
reRubber, LLC.
TPID No. 1544413
February 26, 2015

Background Information, Analysis, and Findings:

This report was developed in response to a Minor Waste Tire Facility Permit (WTFP) revision application received from the operator of reRubber, LLC., located at 315 S Sultana Avenue, in the City of Ontario (County of San Bernardino). The site is 2.28 acres and located within an Industrial zone.

Effective October 29, 2014, WTFPs are required to be reviewed every five years after the date of issuance unless there are changes in the operations, which requires the operator to apply for a revision of the WTFP. WTFPs issued after October 29, 2014, will no longer include an expiration date. reRubber, LLC. was issued a new minor WTFP for this location in 2010. The current WTFP includes an expiration date of March 4, 2015. The operator is permitted to store up to 4,999 whole waste tires and/or waste tire equivalents on-site. In addition to indoor storage, the operator proposes to also store waste tires outdoors.

An application for a Minor WTFP revision was received by Permitting and Assistance Branch staff on January 28, 2015, which was accepted as complete and correct on February 4, 2015. Pursuant to Title 14, California Code of Regulations (14 CCR), Section 18425, CalRecycle has 180 calendar days from the date the application is accepted as complete and correct to either issue or deny the issuance of a minor WTFP. CalRecycle is required to act by August 3, 2015. However, the WTFP for reRubber was issued in 2010 and includes an expiration date of March 4, 2015.

Findings:

Staff recommends approval of the issuance of the proposed Minor WTFP. All of the required submittals and findings required by 14 CCR Section 18431 have been met to support issuance. The findings that are required to be made by CalRecycle when reaching a determination are summarized in the table below. The documents on which staff's findings are based are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

The following table summarizes the staff's findings relative to the permit application:

	Findings	
Compliance with Waste Tire Storage Standards, 14 CCR Sections 17350-17356	Staff of the Waste Evaluation and Enforcement Branch (WEEB), conducted an inspection of the facility on January 22, 2015, and no violations were cited. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Application Forms (500-504) - 14 CCR Section 18431(a), (b), (c), and (d)	All application forms were accepted by Permitting and Assistance Branch staff as complete and correct on February 4, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Local Requirements 14 CCR Section 18431(h)	<i>Local Vector Control:</i> The West Valley Mosquito and Vector Control District staff approved the facility's vector control measures	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

	in an inspection report dated March 11, 2014, signed by Alfonso Melgoze, Inspector. <i>Local Fire Authority:</i> The City of Ontario Fire Department staff approved the fire plan for the indoor and outdoor storage of waste tires in a letter dated January 28, 2015, signed by Tye Nelson Captain/Deputy Fire Marshall.	
California Environmental Quality Act (CEQA)	PAB staff determined that the issuance of the Minor WTFP is categorically exempt from the requirements of CEQA. See additional CEQA information below in the Environmental Analysis section.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Reviewed by: CalRecycle Legal Office	Approved on February 26, 2015	
Waste Evaluation and Enforcement Branch	Approved on January 30, 2015	

Compliance History:

On January 22, 2015, staff of the WEEB conducted an inspection of the facility, and found the facility to be in compliance with the applicable Waste Tire Storage Standards.

Below are the details of the facility's compliance history based on WEEB's inspection reports during the last five years:

- 2015 – 2010: PRC 42850 - One violation for terms of permit was noted in May 2014.

The violation was corrected.

Environmental Analysis:

Under CEQA, CalRecycle must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed Minor WTFP before CalRecycle issues that permit. In this case, CalRecycle is a Lead Agency under CEQA and must make a determination as to whether this proposed WTFP is categorically or statutorily exempt or additional CEQA analysis is necessary in the form of a Negative Declaration or Environmental Impact Report.

The proposed WTFP revision is considered to be a project under CEQA [CEQA Guidelines 15378(a)(3)] and the facility is required to obtain a WTFP pursuant to 14 CCR Section 18420, for the storage of up to 4,999 waste tires. The facility has been permitted as a minor waste tire facility at this location since 2010, within an Industrial (I) zone. During WEEB staff's May 2014 inspection the operator was storing waste tires outside inconsistent with the operations described in the 2010 permit application. Therefore, this permit revision is to allow for the wastes tires to be stored outside.

CalRecycle staff conducted a Preliminary Review to determine whether a Categorical or Statutory Exemption is adequate for CalRecycle's approval of this Minor WTFP. The Preliminary Review indicates the proposed project:

- Involves the continued operation of an existing facility;

- Involves negligible or no expansion of use beyond that existing at the time of permit issuance;
- Does not allow relaxation of standards leading to environmental degradation;
- Would have no significant environmental impacts; and
- There are no additional cumulative environmental impacts.

CalRecycle staff made the finding/determination that the Categorical Exemption, 14 CCR Section 15301 – Existing Facilities, is appropriate for CalRecycle’s issuance of this proposed Minor WTFP in that it involves negligible or no expansion of use beyond that existing. Staff recommends that CalRecycle, acting as a Lead Agency under CEQA, prepare a Notice of Exemption, based on the Categorical Exemption, to be filed with the State Clearinghouse after CalRecycle’s issuance of the Minor WTFP, in that the activity is not subject to further CEQA review. Further, there are no grounds under CEQA for CalRecycle to prepare any additional environmental documents.

Staff further recommends the Categorical Exemption is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within CalRecycle's expertise and authority, or which are required to be carried out or approved by CalRecycle.

The administrative record for the decision to be made by CalRecycle includes the proposed Minor WTFP and all of its components and supporting documentation, this staff report and other documents and material utilized by CalRecycle in reaching its decision on issuing this permit. The custodian of CalRecycle's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comment

Department staff provided an opportunity for public comment during CalRecycle's Monthly Public Meeting on February 17, 2015. No public comments have been received by CalRecycle staff.

Attachment: Minor WTFP